

REMARKS

Claims 1, 3, 4, 6, 8, 9, 10, 12, 13, 15, 17 and 18 stand rejected under 35 U.S.C. §102 as being anticipated by Henson et al. (U.S. 6,167,383). This rejection is respectfully traversed on the grounds that this reference is defective in supporting a rejection under 35 U.S.C. §102.

The PTO provides in MPEP § 2131... "To anticipate a claim, the reference must teach every element of the claim...". Therefore, to sustain this rejection the Henson et al. patent must contain all of the claimed elements of claims 1 and 10.

Independent claims 1 and 10 have now been amended to make it clear that "upon a selection of the upgrade now user selectable cart option of said upsell advisor on the cart web page, said upsell advisor **directly** updates the customer configured computer system configuration per the upsell recommendation and provides a price reflecting acceptance of the upsell to the cart webpage". When the user selects the upgrade now cart option, this action causes the upsell advisor to **directly** change the custom configuration to include that of the upsell recommendation without further user action. It is stressed that this configuration change is done without further user action, such as configuration editing, by the user. The user is relieved from burdensome extra re-typing. The claimed **direct** configuration change, without further user intervention once the "upgrade now" cart option is selected, stands in sharp contrast to the **indirect** configuration change of Henson et al. where the user loses valuable time editing the configuration by using an EDIT command and additional steps.

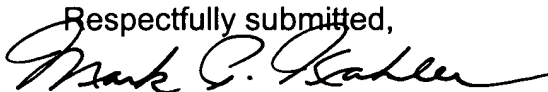
A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as

contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Therefore, independent claims 1 and 10 and the claims dependent therefrom are submitted to be allowable.

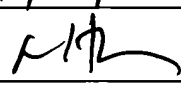
New apparatus claim 19 and method claim 20 have been added to the patent application. These claims set forth an on line store and methodology "wherein if after accepting an upsell recommendation, another recommendation is valid, the next in order active upsell recommendation is provided". The claimed next in order active upsell recommendation is not shown or taught in the Henson et al. patent. Therefore, it is believed that claims 19 and 20 are allowable. Moreover, claims 19 and 20 further limit claims 1 and 10, respectively, and for this reason are also believed to be allowable.

In view of the above, it is respectfully submitted that remaining claims 1, 3, 4, 6, 8, 9, 10, 12, 13, 15, 17, 18 and new claims 19 and 20 distinguish over, and are not obvious in view of, the cited reference. Accordingly, the claims are in condition for allowance and an early Notice of Allowance is courteously solicited.

Respectfully submitted,

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